

# **EXHIBIT A**



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## 2016-CV24680 - BRIANNA THOMAS V H&M HENNES & MAURITZ LP (E-CASE)

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07/28/2021 ☐ [Corporation Served](#)

Document ID - 21-SMCC-6277; Served To - H&M HENNES & MAURITZ L.P.; Server - BAILEY, JAMES; Served Date - 27-JUL-21; Served Time - 11:00:00; Service Type - Civil Process Server; Reason Description - Served; Service Text - LEFT WITH MELISSA BEYTION/ DEPT MANAGER

07/07/2021 ☐ [Summons Issued-Circuit](#)

Document ID: 21-SMCC-6277, for H&M HENNES & MAURITZ L.P..

07/06/2021 ☐ [Alias Summons Requested](#)

Request for Alias Summons.

**Filed By:** GERALD GRAY II

**On Behalf Of:** BRIANNA THOMAS

07/01/2021 ☐ [Case Mgmt Conf Scheduled](#)

**Scheduled For:** 08/27/2021; 8:15 AM ; BRYAN E ROUND; Jackson - Kansas City

☐ [Hearing Continued/Rescheduled](#)

**Hearing Continued From:** 07/06/2021; 8:15 AM Case Management Conference

05/14/2021 ☐ [Case Mgmt Conf Scheduled](#)

**Associated Entries:** 07/01/2021 - [Hearing Continued/Rescheduled](#)

**Scheduled For:** 07/06/2021; 8:15 AM ; BRYAN E ROUND; Jackson - Kansas City

☐ [Hearing Continued/Rescheduled](#)

**Hearing Continued From:** 05/14/2021; 8:45 AM Case Management Conference

03/16/2021 ☐ [Summons Issued-Circuit](#)

Document ID: 21-SMCC-2264, for H&M HENNES & MAURITZ L.P..

03/15/2021 ☐ [Hearing Continued/Rescheduled](#)

**Hearing Continued From:** 03/15/2021; 8:15 AM Case Management Conference

☐ [Order](#)

Order Resetting Case Management Conference.

☐ [Case Mgmt Conf Scheduled](#)

**Associated Entries:** 05/14/2021 - [Hearing Continued/Rescheduled](#)

**Scheduled For:** 05/14/2021; 8:45 AM ; BRYAN E ROUND; Jackson - Kansas City

03/12/2021 ☐ [Alias Summons Requested](#)

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Case 4:21-cv-00610-SRB Document 1-1 Filed 08/23/21 Page 2 of 41

Alias Summons Request for HM.

**Filed By:** GERALD GRAY II

**On Behalf Of:** BRIANNA THOMAS

02/05/2021 ☐ [Summons Issued-Circuit](#)

Document ID: 21-SMCC-1004, for H&M HENNES & MAURITZ L.P..

01/29/2021 ☐ [Alias Summons Requested](#)

Alias Summons Request for HM.

**Filed By:** GERALD GRAY II

**On Behalf Of:** BRIANNA THOMAS

12/31/2020 ☐ **Judge Assigned**

Pursuant to Administrative Order 2020-196, this case has been transferred to Judge Bryan Round, Division 8

12/23/2020 ☐ [Corporation Served](#)

Document ID - 20-SMCC-11258; Served To - H&M HENNES & MAURITZ L.P.; Server - ; Served Date - 22-DEC-20; Served Time - 09:00:00; Service Type - Special Process Server; Reason Description - Served; Service Text - LCW B LOVE

☐ [Notice of Service](#)

20-SMCC-11258; Electronic Filing Certificate of Service.

12/10/2020 ☐ [Summons Issued-Circuit](#)

Document ID: 20-SMCC-11258, for H&M HENNES & MAURITZ L.P..

☐ [Case Mgmt Conf Scheduled](#)

**Associated Entries: 03/15/2021 - Hearing Continued/Rescheduled**

**Scheduled For:** 03/15/2021; 8:15 AM ; BRYAN E ROUND; Jackson - Kansas City

☐ **Note to Clerk eFiling**

**Filed By:** GERALD GRAY II

☐ [Summ Req-Circuit Pers Serv](#)

Summons Request for Def HM.

**Filed By:** GERALD GRAY II

**On Behalf Of:** BRIANNA THOMAS

12/04/2020 ☐ [Correspondence Sent](#)

Letter to Attorney for Service Instructions

11/25/2020 ☐ **Judge Assigned**

☐ **Request for Jury Trial Filed**

**Filed By:** GERALD GRAY II

☐ **Filing Info Sheet eFiling**

**Filed By:** GERALD GRAY II

☐ [Pet Filed in Circuit Ct](#)

Petition.

**On Behalf Of:** BRIANNA THOMAS



# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

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Judge or Division: BRYAN E ROUND	Case Number: 2016-CV24680
Plaintiff/Petitioner: BRIANNA THOMAS	Plaintiff's/Petitioner's Attorney/Address GERALD GRAY II 104 W 9TH STREET STE 401 KANSAS CITY, MO 64105
Defendant/Respondent: H&M HENNES & MAURITZ L.P.	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Other Tort	

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: H&M HENNES & MAURITZ L.P.  
Alias:

SRV AT PLAZA LOCATION  
440 W 47TH ST  
KANSAS CITY, MO 64112

*Bailey*

**COURT SEAL OF**  
  
**JACKSON COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

07-JUL-2021  
Date

*[Signature]*  
Clerk

Further Information:

Note to:

## CORPORATION - PERSON IN CHARGE

I certify that I have served the within summons in Jackson County, Missouri, upon the within-named defendant corporation, H&M Hennes & Mauritz L.P., by leaving a copy of the summons and a copy of the petition at the business office of said defendant corporation with Melissa Beytman / Department Manager, who said he/she was the person in charge thereof.

Place of service: 440 W 47th St K.C. Mo 64112

Date of service: 7/27/21

Time of service: 11:00 AM

DEPARTMENT OF CIVIL PROCESS  
COURT ADMINISTRATOR'S OFFICE  
CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

BY [Signature]  
DEPUTY

CIRCT 3033- 12/13

NON EST  
Sheriff's Deputy Salary  
Supplemental Surcharge \$ 10.00  
Mileage \$ ( miles @ \$. per mile)  
Total \$

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County



# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: <b>BRYAN E ROUND</b>	Case Number: <b>2016-CV24680</b>
Plaintiff/Petitioner: <b>BRIANNA THOMAS</b>	Plaintiff's/Petitioner's Attorney/Address <b>GERALD GRAY II</b> <b>104 W 9TH STREET</b> <b>STE 401</b> <b>KANSAS CITY, MO 64105</b>
Defendant/Respondent: <b>H&amp;M HENNES &amp; MAURITZ L.P.</b>	Court Address: <b>415 E 12th</b> <b>KANSAS CITY, MO 64106</b>
Nature of Suit: <b>CC Other Tort</b>	

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: **H&M HENNES & MAURITZ L.P.**

Alias:

**SRV AT PLAZA LOCATION**  
**440 W 47TH ST**  
**KANSAS CITY, MO 64112**

COURT SEAL OF



JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

07-JUL-2021

Date

*[Signature]*  
Clerk

Further Information:

### Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

### Sheriff's Fees

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

**BRIANNA THOMAS**

**PLAINTIFF(S),  
VS.**

**CASE NO. 2016-CV24680  
DIVISION 8**

**H&M HENNES & MAURITZ L.P.**

**DEFENDANT(S),**

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE  
AND ORDER FOR MEDIATION**

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NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **BRYAN E ROUND** on **27-AUG-2021** in **DIVISION 8** at **08:15 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16<sup>th</sup> Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16<sup>th</sup> Judicial Circuit web site at [www.16thcircuit.org](http://www.16thcircuit.org) after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.



### **MEDIATION**

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

### **POLICIES/PROCEDURES**

Please refer to the Court's web page [www.16thcircuit.org](http://www.16thcircuit.org) for division policies and procedural information listed by each judge.

**/S/ BRYAN E ROUND**  
**BRYAN E ROUND, Circuit Judge**

### **Certificate of Service**

This is to certify that a copy of the foregoing was mailed postage pre-paid or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

#### **Attorney for Plaintiff(s):**

**GERALD GRAY, 104 W 9TH STREET, STE 401, KANSAS CITY, MO 64105**

#### **Defendant(s):**

**H&M HENNES & MAURITZ L.P.**

Dated: **07-JUL-2021**

**MARY A. MARQUEZ**  
Court Administrator



Inspired by faith, family, and the pursuit of fairness  
104 W. 9<sup>th</sup> Street, Suite 401 Kansas City, MO 64105  
(Website) [ggraylaw.org](http://ggraylaw.org) (P) 816-888-3145 (F) 816-817-4683 (Email)  
[ggraylaw@outlook.com](mailto:ggraylaw@outlook.com)

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July 2, 2021

Jackson County Circuit Court  
Jackson County Courthouse  
415 E. 12<sup>th</sup> St.  
Kansas City, Mo 64105

Re: Case No. 2016-CV24680

Dear Sir/Madam:

We would like to request an alias summons be issued for the below listed Defendant in the above-captioned case. We have located the proper registered agent's address for the defendant and anticipate having a Jackson County Sheriff attempt service on the Defendant listed below. The \$36.00 cost will be remitted with this filing. Upon receipt of notification for the Court that the Alias Summons has been issued, we will download and forward the service packet to the Jackson County Sheriff's Office for service.

**H&M HENNES & MAURITZ L.P.**

**Serve at Plaza Location:**

**440 W. 47<sup>th</sup> St  
Kansas City, MO 64112**

Thank you for your assistance in this regard. Please feel free to call me at the above number if you have any questions or require additional information.

Respectfully Submitted,

/s/ Gerald Gray II

Gerald Gray, II Esq.  
MO Bar #67476  
**G. Gray Law, LLC**



# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: <b>BRYAN E ROUND</b>	Case Number: <b>2016-CV24680</b>
Plaintiff/Petitioner: <b>BRIANNA THOMAS</b>	Plaintiff's/Petitioner's Attorney/Address <b>GERALD GRAY II</b> <b>104 W 9TH STREET</b> <b>STE 401</b> <b>KANSAS CITY, MO 64105</b>
Defendant/Respondent: <b>H&amp;M HENNES &amp; MAURITZ L.P.</b>	Court Address: <b>415 E 12th</b> <b>KANSAS CITY, MO 64106</b>
Nature of Suit: <b>CC Other Tort</b>	

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: **H&M HENNES & MAURITZ L.P.**

Alias:

**R/A CSC-LAWYERS INC SERVICE CO**  
**221 BOLIVAR ST**  
**JEFFERSON CITY, MO 65101**

COURT SEAL OF



JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

16-MAR-2021

Date

*[Signature]*  
Clerk

Further Information:

### Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

### Sheriff's Fees

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

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Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

**BRIANNA THOMAS**

**PLAINTIFF(S),  
VS.**

**CASE NO. 2016-CV24680  
DIVISION 8**

**H&M HENNES & MAURITZ L.P.**

**DEFENDANT(S),**

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE  
AND ORDER FOR MEDIATION**

---

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **BRYAN E ROUND** on **14-MAY-2021** in **DIVISION 8** at **08:45 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16<sup>th</sup> Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16<sup>th</sup> Judicial Circuit web site at [www.16thcircuit.org](http://www.16thcircuit.org) after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

### **MEDIATION**

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

### **POLICIES/PROCEDURES**

Please refer to the Court's web page [www.16thcircuit.org](http://www.16thcircuit.org) for division policies and procedural information listed by each judge.

/S/ **BRYAN E ROUND**  
**BRYAN E ROUND, Circuit Judge**

### **Certificate of Service**

This is to certify that a copy of the foregoing was mailed postage pre-paid or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

#### **Attorney for Plaintiff(s):**

**GERALD GRAY, 104 W 9TH STREET, STE 401, KANSAS CITY, MO 64105**

#### **Defendant(s):**

**H&M HENNES & MAURITZ L.P.**

Dated: **16-MAR-2021**

**MARY A. MARQUEZ**  
Court Administrator

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

**BRIANNA THOMAS**

**Plaintiff,**

**v.**

**H&M HENNES & MAURITZ L.P.**

**Defendant.**

**Case No. 2016-CV24680**

**Division 8**

**ORDER**

On this 15th day of March, 2021, this case came before the Court for a Case Management Conference. Parties are hereby notified that the above-captioned cause is re-set for the following and all Counsel and parties shall appear by WebEx, unless excused by the Court:

**To participate by WEBEX**

You will need to have access to INTERNET, and a device (laptop/computer or cell phone) with AUDIO and VIDEO capabilities. All counsel (or participating parties) will need to go to:

<https://www.webex.com/> and create a WebEx account.

**LINK TO JUDGE ROUND'S PERSONAL ROOM**

<https://mocourts.webex.com/meet/bryan.round>

☐ a **CASE MANAGEMENT CONFERENCE** on May 14, 2021  
at 8:45 am.

☐ a **PRE-TRIAL CONFERENCE** on \_\_\_\_\_ at \_\_\_\_\_.

☐ a **BENCH TRIAL** on \_\_\_\_\_ at \_\_\_\_\_.

☐ Other:

**IT IS SO ORDERED.**

3/15/21

Date



HONORABLE BRYAN E ROUND

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing as hand delivered/faxed/mailed and/or sent through the eFiling system to the following on this 15<sup>th</sup> day of March 2021.

GERALD GRAY, Attorney for Plaintiff, 104 W 9TH STREET, STE 401, KANSAS CITY, MO 64105



Law Clerk or JAA, Division 8





Inspired by faith, family, and the pursuit of fairness

104 W. 9<sup>th</sup> Street, Suite 401 Kansas City, MO 64105

(Website) [ggraylaw.org](http://ggraylaw.org) (P) 816-888-3145 (F) 816-817-4683 (Email) [ggraylaw@outlook.com](mailto:ggraylaw@outlook.com)

---

March 12, 2021

Jackson County Circuit Court  
Jackson County Courthouse  
415 E. 12<sup>th</sup> St.  
Kansas City, Mo 64105

Re: Case No. 2016-CV24680

Dear Sir/Madam:

We would like to request an alias summons be issued for the below listed Defendant in the above-captioned case. We have located the proper registered agent's address for the defendant and anticipate having a Cole County Sheriff attempt service on the Defendant listed below. The previous summons issued went stale when the United States Post Service unexpectedly returned our summons to sender for an undisclosed reason. Upon receipt of notification for the Court that the Alias Summons has been issued, we will download and forward the service packet to the Cole County Sheriff's Office for service.

**H&M HENNES & MAURITZ L.P.**

**Serve Registered Agent At:**

**CSC- Lawyers Incorporating Service Company  
221 Bolivar St.  
Jefferson City, MO 65101**

Thank you for your assistance in this regard. Please feel free to call me at the above number if you have any questions or require additional information.

Respectfully Submitted,

/s/ Gerald Gray II

Gerald Gray, II Esq.

MO Bar #67476

**G. Gray Law, LLC**



# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: <b>BRYAN E ROUND</b>	Case Number: <b>2016-CV24680</b>
Plaintiff/Petitioner: <b>BRIANNA THOMAS</b>	Plaintiff's/Petitioner's Attorney/Address <b>GERALD GRAY II</b> <b>104 W 9TH STREET</b> <b>STE 401</b> <b>KANSAS CITY, MO 64105</b>
Defendant/Respondent: <b>H&amp;M HENNES &amp; MAURITZ L.P.</b>	Court Address: <b>415 E 12th</b> <b>KANSAS CITY, MO 64106</b>
Nature of Suit: <b>CC Other Tort</b>	

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: **H&M HENNES & MAURITZ L.P.**

Alias:

**R/A CSC-LAWYERS INC SERVICE CO**  
**221 BOLIVAR ST**  
**JEFFERSON CITY, MO 65101**

COURT SEAL OF



JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

05-FEB-2021

Date

*[Signature]*  
Clerk

Further Information:

### Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

### Sheriff's Fees

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County



Inspired by faith, family, and the pursuit of fairness  
104 W. 9<sup>th</sup> Street, Suite 401 Kansas City, MO 64105  
(Website) [ggraylaw.org](http://ggraylaw.org) (P) 816-888-3145 (F) 816-817-4683 (Email)  
[ggraylaw@outlook.com](mailto:ggraylaw@outlook.com)

---

January 29, 2021

Jackson County Circuit Court  
Jackson County Courthouse  
415 E. 12<sup>th</sup> St.  
Kansas City, Mo 64105

Re: Case No. 2016-CV24680

Dear Sir/Madam:

We would like to request an alias summons be issued for the below listed Defendant in the above-captioned case. We have located the proper registered agent's address for the defendant and anticipate having a Cole County Sheriff attempt service on the Defendant listed below. The \$36.00 cost will be remitted with this filing. Upon receipt of notification for the Court that the Alias Summons has been issued, we will download and forward the service packet to the Cole County Sheriff's Office for service.

**H&M HENNES & MAURITZ L.P.**

**Serve Registered Agent At:**

**CSC- Lawyers Incorporating Service Company  
221 Bolivar St.  
Jefferson City, MO 65101**

Thank you for your assistance in this regard. Please feel free to call me at the above number if you have any questions or require additional information.

Respectfully Submitted,

*/s/ Gerald Gray II*  
Gerald Gray, II Esq.  
MO Bar #67476  
**G. Gray Law, LLC**



# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

RETURN  
SB 1/9/21

Judge or Division: BRYAN E ROUND	Case Number: 2016-CV24680
Plaintiff/Petitioner: BRIANNA THOMAS	Plaintiff's/Petitioner's Attorney/Address GERALD GRAY II 104 W 9TH STREET STE 401 KANSAS CITY, MO 64105
Defendant/Respondent: H&M HENNES & MAURITZ L.P.	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Other Tort	(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to:** H&M HENNES & MAURITZ L.P.  
Alias:  
R/A CT CORPORATION SYSTEM  
120 S CENTRAL AVE  
CLAYTON, MO 63105

**COURT SEAL OF**  
  
**JACKSON COUNTY**

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

10-DEC-2020  
Date

*[Signature]*  
Clerk

Further Information:

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) **LCW - B. LOVE** (title).
- ☐ other \_\_\_\_\_ **INTAKE SPECIALIST** (address)

Served at **CT CORPORATION**  
in **St. Louis County** (County/City of St. Louis), MO, on **DEC 2 2 2020** (date) at **9 AM** (time).

*[Signature]*  
Printed Name of Sheriff or Server

*[Signature]*  
Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

### Sheriff's Fees

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ 10.00

Supplemental Surcharge \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Mileage \$ \_\_\_\_\_

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

GDP  
12/18/20

20-SMCC-11236



# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

RETURN  
SB 1/9/21

Judge or Division: BRYAN E ROUND	Case Number: 2016-CV24680
Plaintiff/Petitioner: BRIANNA THOMAS	Plaintiff's/Petitioner's Attorney/Address GERALD GRAY II 104 W 9TH STREET STE 401 KANSAS CITY, MO 64105
Defendant/Respondent: H&M HENNES & MAURITZ L.P.	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Other Tort	(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to:** H&M HENNES & MAURITZ L.P.  
Alias:  
R/A CT CORPORATION SYSTEM  
120 S CENTRAL AVE  
CLAYTON, MO 63105

**COURT SEAL OF**  
  
**JACKSON COUNTY**

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

10-DEC-2020  
Date

*[Signature]*  
Clerk

Further Information:

## Sheriff's or Server's Return

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I certify that I have served the above summons by: (check one)

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- ☐ other \_\_\_\_\_ **INTAKE SPECIALIST** (address)

Served at **CT CORPORATION**  
in **St. Louis County** (County/City of St. Louis), MO, on **DEC 2 2 2020** (date) at **9 AM** (time).

*[Signature]*  
Printed Name of Sheriff or Server

*[Signature]*  
Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

### Sheriff's Fees

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ 10.00

Supplemental Surcharge \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Mileage \$ \_\_\_\_\_

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

GDP  
12/18/20

20-SMCC-11236




# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: BRYAN E ROUND	Case Number: 2016-CV24680
Plaintiff/Petitioner: BRIANNA THOMAS	Plaintiff's/Petitioner's Attorney/Address GERALD GRAY II 104 W 9TH STREET STE 401 KANSAS CITY, MO 64105
Defendant/Respondent: H&M HENNES & MAURITZ L.P.	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Other Tort	

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## Summons in Civil Case

**The State of Missouri to:** H&M HENNES & MAURITZ L.P.  
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**COURT SEAL OF**  
  
**JACKSON COUNTY**

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10-DEC-2020  
Date

\_\_\_\_\_  
Clerk

Further Information:

**Sheriff's or Server's Return**

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☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
Printed Name of Sheriff or Server

\_\_\_\_\_  
Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal) Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

**Sheriff's Fees**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

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Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

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Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County



**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

**BRIANNA THOMAS**  
2236 NE Town Centre Blvd. #1508  
Lee's Summit, MO 64064  
  
Plaintiff,  
  
v.  
  
H&M HENNES & MAURITZ L.P.  
Serve Registered Agent At:  
CT Corporation System  
120 S. Central Ave.  
Clayton, MO 63105  
  
Defendant.

## Request for Service by Sheriff's Department

Dear Sir or Madam,

This letter is to formally request that the Court allow process be served on Defendant in the above case by personal service of the Saint Louis County Sheriff's Department. The \$36.00 fee will be paid via USPS. Please issue a summons to be served upon Defendant:

H&amp;M Hennes &amp; Mauritz L.P.

Registered Agent:  
CT Corporation System  
120 South Central Ave  
Clayton, MO 63105

Respectfully submitted,  
**/s/ Gerald Gray II**  
Gerald Gray II, #67476  
G. GRAY LAW, LLC  
104 W. 9<sup>TH</sup> STREET, SUITE 401  
KANSAS CITY, MO 64105  
(816) 888-3145 OFFICE  
(816) 817-4683 FAX  
[ggraylaw@outlook.com](mailto:ggraylaw@outlook.com)

ATTORNEY FOR PLAINTIFF

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

**BRIANNA THOMAS**

**PLAINTIFF(S),  
VS.**

**CASE NO. 2016-CV24680  
DIVISION 8**

**H&M HENNES & MAURITZ L.P.**

**DEFENDANT(S),**

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE  
AND ORDER FOR MEDIATION**

---

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **BYRAN ROUND** on **15-MAR-2021** in **DIVISION 8** at **08:15 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16<sup>th</sup> Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16<sup>th</sup> Judicial Circuit web site at [www.16thcircuit.org](http://www.16thcircuit.org) after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

### **MEDIATION**

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

### **POLICIES/PROCEDURES**

Please refer to the Court's web page [www.16thcircuit.org](http://www.16thcircuit.org) for division policies and procedural information listed by each judge.

**/S/ BYRAN ROUND**

**BRYAN ROUND, Circuit Judge**

### **Certificate of Service**

This is to certify that a copy of the foregoing was mailed postage pre-paid or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

#### **Attorney for Plaintiff(s):**

GERALD GRAY, 104 W 9TH STREET, STE 401, KANSAS CITY, MO 64105

#### **Defendant(s):**

H&M HENNES & MAURITZ L.P.

Dated: 10-DEC-2020

MARY A. MARQUEZ  
Court Administrator

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

☒ AT KANSAS CITY ☐ AT INDEPENDENCE

RE: BRIANNA THOMAS V H&M HENNES & MAURITZ LP  
CASE NO: 2016-CV24680

TO: GERALD GRAY II  
104 W 9TH STREET, STE 401  
KANSAS CITY, MO 64105

We have received pleadings, which you submitted for filing in the case and they have been file-stamped on November 25, 2020. However, your pleading cannot be processed further until the following action is taken:

**RULE 3.2 - STYLE**

- ☒ Additional service instructions are needed.  
☐ Incorrect case number/filed in wrong county.  
☐ Document is unreadable.

**RULE 4.2 (2)**

- ☐ Need Circuit Court Form 4

**RULE 5.6 – COLLECTIONS OF DEPOSIT**

- ☐ No fee, or incorrect fee, received; fee required is \$\_\_\_\_\_.  
☐ Insufficient Filing Fee; Please Remit \$\_\_\_\_\_  
☐ No signature on check/form 1695.  
☐ No request to proceed in forma pauperis.  
☐ No personal checks accepted.

**RULE 68.1**

- ☐ Need Circuit Court Form 17

**RULE 68.7 – VITAL STATISTICS REPORT**

- ☐ Need Certificate of dissolution of marriage form.

**RULE 74.14 SUPREME CT – FOREIGN JUDGMENT**

- ☐ Authentication of foreign judgment required.  
☐ Affidavit pursuant to Supreme Court Rule 74.14

**RULE 54.12 SERVICE IN REM OR QUASI IN REM ACTIONS**

- ☐ Affidavit for Service by Publication required pursuant to Supreme Court Rule 54.12c.  
☐ Order for Service by Publication required pursuant to Supreme Court Rule 54.12c.  
☐ Notice for Service by Publication required pursuant to Supreme Court Rule 54.12c.  
☐ Affidavit for Service by Certified/Registered Mail pursuant to Supreme Court Rule 54.12b.

- ☒ **OTHER:** Before your case can be processed further you will need to eFile service instructions for the defendant. If service will be done by a private process server you will need to eFile a Motion and Order for Appointment of Private Process Server with the required PPS20 number(s) on it.  
☒ Please take the actions necessary to comply with the Circuit Court Rules and your request will be processed.  
☐ The private process server listed is not on our approved list.  
☐ Execution in effect. Return date \_\_\_\_\_. Request may be resubmitted within one week prior to return date.  
☐ Supreme Court Rule 90.13 requires interrogatories be served with summons of garnishment.

**If the filing was a new case, please be advised that unless the additional information marked is received within 30 days of the date of this notice this case will be dismissed pursuant to Rule 37.4 for failure to prosecute without prejudice, at the Plaintiff's cost. Collection efforts will be pursued for these costs.**

Please refer to the Court's website at [www.16thcircuit.org](http://www.16thcircuit.org) for Court Rules or Forms.

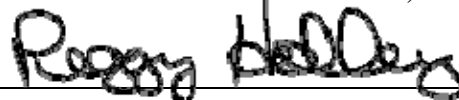
Copies electronic noticed, faxed, emailed and/or mailed DECEMBER 4, 2020 to:

COURT ADMINISTRATOR'S OFFICE  
DEPARTMENT OF CIVIL RECORDS  
CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

DECEMBER 4, 2020

Date

By



Peggy Holley, 816-881-6491

Deputy Court Administrator

- ☒ 415 East 12<sup>th</sup> St., Kansas City, Missouri 64106  
☐ 308 W. Kansas, Independence, Missouri 64050

<b>BRIANNA THOMAS</b>	)	
<b>2236 NE Town Centre Blvd. #1508</b>	)	
<b>Lee's Summit, MO 64064</b>	)	
	)	<b>Case No.</b>
<b>Plaintiff,</b>	)	
<b>v.</b>	)	
	)	
<b>H&amp;M HENNES &amp; MAURITZ L.P.</b>	)	
<b>Serve Registered Agent At:</b>	)	<b><u>JURY TRIAL DEMANDED</u></b>
<b>CT Corporation System</b>	)	
<b>120 S. Central Ave.</b>	)	
<b>Clayton, MO 63105</b>	)	
	)	
<b>Defendant.</b>	)	

COMES NOW, Plaintiff, BRIANNA THOMAS (herein after “Ms. Thomas” or “Plaintiff”) for her cause of action against H&M HENNES & MAURITZ L.P, (“H&M” or “Defendant”) on claims of unlawful discrimination and retaliation arising under 42 U.S.C. §1981 (Civil Rights Act of 1866), as amended (“§1981”), and the tort of intentional infliction of emotional distress.

1. Plaintiff, Brianna Thomas, resides at 2236 Northeast Town Centre Boulevard, No. 1508, Lee's Summit, Jackson County, Missouri 64064. She is an African-American female.
2. Defendant, H&M, is a limited partnership organized under the laws of the State of New York with its principal place of business at 110 Fifth Avenue, 11<sup>th</sup> Floor, New York, New York 10011.
3. H&M has a registered Missouri agent in CT Corporation System located at 120 S. Central Ave, Clayton, MO 63105.

4. H&M owns and operates Store No. 254 located at 440 W. 47th St., Kansas City, Jackson County, Missouri 64112.

5. H&M Store No. 254 is a merchant within the meaning of §1981.

6. H&M is an entity which acts through agents. It is liable for the conduct of its agents acting within the course and scope of their agency; its own negligence or unlawful conduct; the acts of its agents which it knowingly ratifies; injuries incurred by agents' performance of its non-delegable duties; acts done by agents for which the agency relationship allows or assists the agent to perform; and acts its agents take by virtue of their position with H&M.

### **JURISDICTION & VENUE**

7. Defendant discriminated against Plaintiff in a place of public accommodation, thereby violating §1981.

8. Plaintiff seeks actual damages, punitive damages, costs, fees, interest, and equitable relief, including an enhancement of fees, expert fees, and other costs.

9. Plaintiff demands a jury trial of all facts alleged herein disputed by Defendant.

10. Ms. Thomas is bringing this action against Defendant pursuant to §1981 for the discriminatory behavior of the Defendant by way of its managers, supervisors and employees regarding their discriminatory treatment of Ms. Thomas and their failure to properly document, investigate, and correct the unlawful conduct Ms. Thomas complained of.

11. Jurisdiction and venue are proper in Jackson County, Missouri as H&M Store No. 254 is an employer in the state of Missouri, and the facts and circumstances providing the basis for the Plaintiff's claim all occurred in Jackson County, Missouri at H&M Store No. 254.

12. Defendant's unlawful discrimination practices complained of herein occurred in Jackson County, Missouri, and accordingly, jurisdiction and venue are proper in this Court. This

Court has jurisdiction over the subject matter pursuant to R.S.Mo. § 478.070 as this is an original civil action seeking monetary damages for causes of action accruing in the State of Missouri.

13. Venue is properly laid in this Court under R.S.Mo. § 508.010 as the events alleged in this Petition took place in whole, or in part, in Jackson County, Missouri and Plaintiff was first injured by Defendant in Jackson County, Missouri.

### **GENERAL ALLEGATIONS**

14. ON or about July 1, 2017, Plaintiff was in H&M Store No. 254.

15. Plaintiff, along with two of her African American, female friends, were shopping for merchandise in H&M Store No. 254 with the intent to purchase consumer goods from H&M.

16. Plaintiff and friends noticed H&M employee, SAMANTHA AYLOR (“Ms. Aylor”), following the trio around the store.

17. Ms. Thomas noticed Ms. Aylor closely monitoring her movements and conduct while perusing the consumer goods.

18. Other individuals in the store, who were not African-American, were not being followed by Ms. Aylor nor any of H&M’s other employees.

19. Other individuals in the store, who were not African-American, were not being closely monitored by Ms. Aylor nor any of H&M’s other employees.

20. Ms. Thomas continued to be aware of Ms. Aylor’s movements which closely mirrored her own.

21. Ms. Thomas noticed that Ms. Aylor was reorganizing merchandise which had been handled by Ms. Thomas.



22. Neither Ms. Aylor nor other H&M employees followed white individuals around the store, who were not African-American, refolding nor reorganizing the merchandise white customers touched.

23. Ms. Thomas and one of her friends asked Ms. Aylor, “Are you following us?”

24. Ms. Aylor’s responded she was keeping the store tidy.

25. Shortly after this back and forth, Ms. Thomas noticed a person dressed in security guard attire watching and following her movements around the store.

26. The Department Manager, THERESA MAYER (“Ms. Mayer”), had security called on Ms. Thomas and her friends who were also shopping.

27. Other customers, who were not African-American, were not being followed by security personnel.

28. As the opportunity for further investigation and discovery will likely show, Ms. Mayer did not request other H&M employees nor security to “keep an eye out” for white or other non-African American customers.

29. Ms. Thomas and her friends approached a register/checkout counter within H&M.

30. Once at the registered, Ms. Thomas and her friends inquired whether security had been called on them to H&M employee and “Visual Merchandiser”, TYLER STEWART (“Ms. Stewart”).

31. Ms. Thomas and one of her friends reasonably believed they were being discriminated against based on their color/race, as African Americans, and Ms. Thomas conveyed her discriminatory beliefs to Ms. Stewart.

32. Ms. Thomas identified Ms. Aylor as the salesperson who had been following her and her friends closely to Ms. Stewart.

33. It was then that Ms. Stewart stated that it was not Ms. Aylor who had called security on Ms. Thomas and her friends.

34. Plaintiff and her friends asked Defendant Stewart who had called security.

35. Ms. Stewart responded that she could not say.

36. Ms. Stewart proceeded to tell Ms. Thomas that the woman who had been following the group of African American women around was the department supervisor and told them the supervisor's name was "Sam".

37. Ms. Thomas and her friends requested to speak to the manager of the store.

38. It was then H&M employee and Store Manager, CHERYL RAFKSY-SHANBERG ("Ms. Shanberg"), approached Ms. Thomas and her friends.

39. Ms. Thomas and her friends were curious to know why security had been called on them and asked as much of Ms. Shanberg but Ms. Shanberg declined to provide an answer.

40. Then one of Plaintiff's friends, MALINDA ALEXANDER ("Ms. Alexander"), asked whether she and her friends, including Plaintiff, looked like they would steal to Ms. Shanberg but Ms. Shanberg declined to answer the question.

41. Plaintiff's friend, Ms. Alexander, began to cry at this time and stated their embarrassment of the ongoing discrimination.

42. Ms. Shanberg attempted to make a joke, laughed, and then stated Plaintiff and her friends were "ready to check out."

43. One of Ms. Thomas's friends stated they were not "checking anything out" to which Ms. Shanberg stated bluntly, "Okay. Well, bye, then."

44. The trio of friends left the store only to return to retrieve the telephone number for H&M's corporate office to file a complaint.

45. Plaintiff's friend, NICOL RACY ("Ms. Racy"), made a complaint for herself and on behalf of her friends, including Plaintiff, with H&M corporate headquarters/human resources over the telephone.

46. While Ms. Racy was speaking to a representative named Ricardo, she was told nothing would be done about the complaint even though the complaint would be referred to a district manager.

47. During Ms. Racy's call with H&M Corp. headquarters, Ms. Alexander mentioned the friends may need legal counsel which was overheard by the representative named Ricardo, who put them on hold and, subsequently, said he could no longer speak to Ms. Racy and hung up the phone.

48. Ms. Racy then reconnected to the H&M Corp. hotline with a representative who was unable to provide help besides telling Ms. Racy that their complaint would be referred to a District Manager and asked for her contact information.

49. Even though Ms. Racy left their contact information H&M never reached out to Plaintiff, nor any of her friends, to follow up about the complaint filed against H&M Store No. 254.

50. Ms. Thomas was so outraged, offended, and harmed by the conduct she received from Defendant herein that she sought treatment to deal with the anxiety, stress, and embarrassment to name a few.

51. Despite the pattern of discriminatory and retaliatory behavior towards Ms. Thomas and other African Americans, H&M has refused to act, essentially ratifying the behavior of their employee/agents in this case.

**COUNT I – RACE DISCRIMINATION AND HARASSMENT IN  
VIOLATION OF THE SECTION 1981, as amended ("§1981") 42 U.S.C. 2000e et seq.**

COMES NOW, Plaintiff, and for Count I of the Petition for race discrimination and harassment in violation of 42 U.S.C §1981, as amended to 42 U.S.C. §2000(e) states:

52. Ms. Thomas reasserts and re-alleges the allegations set forth in each and every other paragraph as if fully set forth herein.

53. The acts described constitute race discrimination in violation of §1981.

54. Ms. Thomas is a member of a protected class by reason of her race, which is African American.

55. Ms. Thomas was subjected to race discrimination and harassment by Defendant in the following ways including, but not limited to subjecting Ms. Thomas to unwanted, and other offensive treatment such as constant surveillance while being a potential customer and refusal to allow Ms. Thomas to be an ordinary customer perusing consumer goods.

56. The conduct cited above was so severe and pervasive it affected the terms, conditions, and privileges of Ms. Thomas to make and enforce contracts with the store. Ms. Thomas and any reasonable person in her position would reasonably view it as such.

57. The conduct cited above was adverse and damaging and caused Ms. Thomas great emotional upset. She is frequently anxious, loses sleep, cannot focus for extended periods of time, and is fearful of what else might happen to her.

58. The actions and conduct of the Defendant set forth herein were outrageous and showed an evil motive or reckless indifference or conscious disregard for the rights of Ms. Thomas, and therefore she is entitled to punitive damages from Defendant, to punish Defendant and to deter Defendant and others from like conduct.

WHEREFORE, Plaintiff, Ms. Thomas prays for judgment against Defendant on Count I of her petition, for a finding that she has been subjected to unlawful race discrimination and

harassment prohibited by § 1981; for an award of actual damages, including interest; for an award of compensatory and punitive damages; for her costs expended; for her reasonable attorneys' and expert fees and expenses, and for such other and further relief the Court deems just and proper.

**COUNT II- RETALIATION IN VIOLATION OF §1981**

COMES NOW, Plaintiff, and for Count II of the Petition for retaliation in violation of §1981:

59. Plaintiff, Ms. Thomas hereby incorporates by reference each and every paragraph as though it is fully set forth herein.

60. Ms. Thomas engaged in protected activity by opposing, complaining about, and reporting harassing and/or discriminatory conduct.

61. Defendant retaliated against Ms. Thomas because she engaged in protected activity under §1981.

62. Defendant retaliated against Ms. Thomas by refusing to investigate her allegations of discrimination and denying her opportunities to shop and contract with the store because Ms. Thomas did not feel comfortable doing so after reporting the discriminatory conduct.

63. Defendant's retaliation against Ms. Thomas was intentional, willful, malicious and calculated toward Plaintiff and, thus, such conduct constituted willful violations of state law.

64. Because of the acts of reprisal Defendant inflicted upon Ms. Thomas, she has suffered, and will continue to suffer pain, emotional distress, anguish, anxiety, humiliation, and embarrassment.

65. The actions and conduct set forth herein were outrageous and showed an evil motive or reckless indifference or conscious disregard for the rights of Ms. Thomas and, therefore,

she is entitled to punitive damages from Defendant, to punish Defendant and to deter Defendant, and others, from like conduct.

WHEREFORE, Plaintiff, Ms. Thomas prays for judgment against Defendant on Count II for a finding that she has been subjected to unlawful retaliation in violation of §1981; for an award of damages, including interest; for an award of compensatory and punitive damages; for her costs expended; for her reasonable attorneys' and expert fees and expenses, and for such other and further relief the Court deems just and proper.

**COUNT III-Intentional Infliction of Emotional Distress**

COMES NOW, Plaintiff, and for Count III of the Petition for intentional infliction of emotional distress states:

66. Plaintiff, Ms. Thomas hereby incorporates by reference each and every paragraph as though it is fully set forth herein.

67. Coupled together the behavior of Ms. Shanberg, Ms. Mayer, Ms. Aylor, and Ms. Stewart as agents of Defendant, H&M, intentionally and or recklessly, as shown in their extreme and outrageous conduct, actions, and statements to Ms. Thomas, and others, intended to cause Ms. Thomas extreme emotional distress by restricting Ms. Thomas's freedom of movement around H&M, treating Ms. Thomas in an outrageous and offensive manner by acting like Ms. Thomas, and her friends, were criminals while they were simply tried to purchase clothing, and by forcing

Ms. Thomas, and her friends, to prematurely exit the premises unjustifiably when Defendant were confronted with their discriminatory conduct.

68. No reasonable person would behave in the manner the Defendant behaved towards Plaintiff as their conduct as described herein towards Ms. Thomas could be deemed outrageous, intolerable, and extreme.

69. Defendant's conduct and actions placed Ms. Thomas in extreme emotional upset causing anxiety, stress, depression, and embarrassment which resulted in Ms. Thomas seeking treatment and recovery for other damages.

WHEREFORE, Plaintiff, Ms. Thomas prays for judgment against Defendant on Count III of her Petition for Damages, for a finding she has been subjected to intentional infliction of emotional distress by Defendant; for an award of actual and punitive damages; for her costs expended; and for such other relief as this Court deems just and proper.

#### **COUNT IV-Negligent Hiring or Retention**

COMES NOW, Plaintiff, and for Count IV of the Petition for negligent hiring and retention states:

70. Plaintiff, Ms. Thomas hereby incorporates by reference each and every paragraph as though it is fully set forth herein.

71. H&M had a duty to customers and invitees such as Plaintiff to make the store safe and available for all to enjoy without fear of offensive, outrageous, and other harmful or discriminatory treatment by employees or agents such as Ms. Shanberg, Ms. Mayer, Ms. Aylor, and Ms. Stewart.

72. H&M failed in their duty which was the direct and proximate result of the injuries sustained by Plaintiff.

73. H&M committed other acts of negligence that are unknown at this time but believed to be discovered in the discovery process.

74. Defendant knew or should have known of Ms. Shanberg offensive or outrageous conduct and H&M's negligence in continuing to employ Ms. Shanberg, Ms. Mayer, Ms. Aylor, and Ms. Stewart despite their reputation for such treatment was the proximate cause of Plaintiff's injuries.

WHEREFORE, Plaintiff, Ms. Thomas prays for judgment against Defendant, H&M on Count IV of her Petition for Damages, for a finding that H&M was negligent in their hiring or retention of Ms. Shanberg, Ms. Meyer, Ms. Aylor, and Ms. Stewart; for an award of actual and punitive damages; for her costs expended; and for such other relief as this Court deems just and proper.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for relief and judgment as follows:

- i) Plaintiff is awarded extraordinary and/or equitable relief as permitted by law, equity and any and all applicable statutory provisions related hereto;
- ii) Plaintiff is awarded all compensatory, restitutionary, and/or remedial relief;
- iii) Plaintiff is awarded pre-judgment interest and post-judgment interest, as well as her reasonable attorneys' fees, expert witness fees and other costs; and,
- iv) Plaintiff is awarded such other legal and equitable relief as the Court deems appropriate and just.

#### **DEMAND FOR JURY TRIAL**

Plaintiff hereby respectfully requests a trial by jury on all the allegations contained in this Petition that are triable before a jury.



**RESPECTFULLY SUBMITTED,**

*/s/ Gerald Gray II*

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Gerald Gray II, #67476

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